

ESSENTIAL INFORMATION SHEET



U.S. COAST GUARD: PRESERVING THE PUBLIC RIGHT OF NAVIGATION

The Coast Guard is charged with safety and security of U.S. navigable waters and contributes to marine stewardship through its authority to regulate bridges crossing navigable waters of the United States. It is the Coast Guard's role to ensure the public right of navigation is preserved while maintaining a reasonable balance between the competing needs of land and waterborne modes of transportation.



U.S. COAST GUARD AND THE ALL ABOARD FLORIDA PROJECT:

All Aboard Florida, LLC (AAF) is proposing to construct a privately owned and operated 235-mile intercity passenger railroad system that will connect Orlando and Miami, Florida. If completed, the multi-billion dollar project will utilize 36 bridges that pass over navigable waters of the United States. Of the 36 bridges, six will require issuance of CG permits and an additional three may require a modification to existing regulations governing bridge openings and operations.

The Coast Guard's concern in this matter is limited to the navigability and regulation of drawbridges, ensuring that navigation is not unreasonably impacted.

While the public right of navigation is paramount to land transportation, it is not absolute. This right may be diminished to benefit land transportation, provided reasonable needs of navigation are not impaired.

In particular, three existing drawbridges- one crossing New River in Ft. Lauderdale; one crossing the Loxahatchee River in Jupiter; and one crossing the St. Lucie River, may require modification to the Coast Guard regulations which govern the operation of these drawbridges.

The Coast Guard is authorized to regulate drawbridge operations; establishing, amending or revoking regulations for the operation of drawbridges based on transportation needs, changes in waterway usage, or requirements of public interest, health or safety.



PROCESS TO DETERMINE IMPACTS

The Coast Guard has insufficient data to adequately assess the level of impacts to navigation. Additional study, including public input from impacted stakeholders, will be required to determine the reasonable needs of navigation at these three waterways.

Additional information on these effected bridges is required for the Coast Guard to fully assess navigational impacts. The natural flow of these waterways including currents, water velocity, water direction and velocity fluctuations are extremely hazardous and will affect navigation while awaiting openings at the existing drawbridges. Also, the existing drawbridges have restrictive vertical clearance and a large percentage of vessels cannot travel under the bridges in the closed position. Any increase in the current closure periods may have an impact on navigation.

The Coast Guard has established processes for navigation impact assessments, which include public scoping meetings to take comments from the general public. The Coast Guard plans to hold local public scoping meetings for each of the three drawbridges. There are three basic steps to this process. The first step is to conduct a navigation survey to determine the current use of the waterway. The Coast Guard will be soliciting navigation information from boaters and marine interests through written comment via a public notice and through limited scoping meetings. This information along with other resources will be evaluated to determine if there is a need to establish, or adjust bridge operating regulations.

Based on the information gathered during the navigation survey, the Coast Guard may require special drawbridge operating regulations (to include operational schedules and additional personnel requirements) for any or all three drawbridges. If special drawbridge operating regulations are required to meet the reasonable needs of navigation, we may commence with a Notice of Proposed Rulemaking (NPRM) to consider a change in regulations applicable to the drawbridges. This second step includes publishing the proposal in the Federal Register and solicitation of comments through public meetings. After all comments are considered, the last step is to publish a Temporary Final Rule or a Final Rule.

